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Attorneys for Plaintiffs
The United States Olympic Committee and
the International Olympic Committee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The United States Olympic Committee and
the International Olympic Committee,

Plaintiffs,

v.

Xclusive Leisure & Hospitality Ltd.;
Beijingticketing.com; 2008-Olympics.com;
Beijingolympic2008tickets.com;
Beijingolympictickets2008.com; Olympic-
tickets.net;
Olympicticketsbeijing2008.com; Does 1-
10, inclusive,

Defendants.

Case No. C 08-01345- JSW

**DECLARATION OF CARLA
MENINSKY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
EXTENSION OF TEMPORARY
RESTRAINING ORDER AND TO
CONTINUE PRELIMINARY
INJUNCTION HEARING**

1 I, CARLA MENINSKY, HEREBY DECLARE AS FOLLOWS:

2 1. I am an associate with the law firm of O'Melveny & Myers LLP, counsel for
3 Plaintiffs in this matter. I am personally familiar with the facts and circumstances set forth herein,
4 and would and could competently testify to them if called as a witness.

5 2. On August 4, 2008, before this Court issued the temporary restraining order, I
6 attempted to access the website www.beijingticketing.com. I was unable to do so as the website
7 was no longer active.

8 3. On the morning of August 4, 2008, we received emails from Alice Chen and
9 Thomas Dunbar, declarants in this case, forwarding an email message sent from
10 "sales@xclusiveticket.com; on behalf of; Sales Team [sales@beijingticketing.com]" and signed
11 "Alan Scott," notifying them that the tickets they ordered would not be forthcoming. Attached as
12 Exhibit A are the emails from Alice Chen and Thomas Dunbar.

13 4. Subsequently, both declarants informed us that responses they had sent to the
14 August 4, 2008, emails were returned as undeliverable. Attached as Exhibit B is a copy of the
15 undeliverable message sent to Alice Chen.

16 5. On July 31, we received an email from Wei Zhang, a victim of Defendants who
17 had researched Defendants after not having received tickets he purchased from
18 beijingticketing.com. Mr. Zhang informed us that he had discovered that the corporate operator
19 of the beijingticketing.com website is XCLUSIVE LEISURE & HOSPITALITY LIMITED, an
20 entity located in the United Kingdom. He also forwarded a report listing the company's address
21 as 202 Blackfriars Road, London SE1 8NJ. Attached as Exhibit C is the relevant email and the
22 above-mentioned report we received from Wei Zhang.

23 6. Additionally, on August 5, 2008, we received information from another source that
24 the websites are operated by persons or entities doing business as Xclusive Leisure & Hospitality
25 Ltd. whose registered address is c/o B and C Associates, Trafalgar House, Grenville Place, Mill
26 Hill, London, England NW7 3S. Xclusive Leisure & Hospitality Ltd lists its trading address to be
27 202 Blackfriars Road, London SE1 8NJ. We received further information that this address is
28 merely an "accommodation address" or mail drop and were provided with the address of the sole

1 listed director of the English company, Xclusive Leisure & Hospitality Ltd, and its associated
2 company, Xclusive Tickets Limited, Alan Thomas Scott. The address we were given for Mr.
3 Scott is different from the address listed above for Xclusive Leisure & Hospitality Ltd. or from
4 Mr. Zhang. Because of the public nature of this filing, we are not setting forth that address here
5 but can provide it to the Court if requested.

6 7. As of this date, we have not had sufficient time to verify the accuracy of any of
7 this information.

8
9 Executed this 11th day of August, 2008 at San Francisco, California.

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12 By: /s/ Carla Meninsky
13 Carla Meninsky

14 SF1:724563.1
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From: Dunbar, Thomas
Sent: Tuesday, August 05, 2008 8:19 AM
To: 'Sales Team'; 'sales@xclusiveticket.com'; 'admin@beijingticketing.com'
Subject: RE: Questions regarding Olympic Tickets

I request that you respond to the items below by the close of business today.

Thank you.

Thomas W. Dunbar
[redacted]

From: Dunbar, Thomas
Sent: Monday, August 04, 2008 3:46 PM
To: 'Sales Team'; 'sales@xclusiveticket.com'; 'admin@beijingticketing.com'
Subject: Questions regarding Olympic Tickets
Importance: High

Dear Mr. Scott:

I received your email dated August 4, 2008, in which you state that I should contact my credit card company to receive a refund on my ticket order.

I am confused as to why this is necessary. Why can't your company refund my money directly? If your supplier has not delivered tickets to you, you should still have my money. I ask that you please refund the \$1,180.00 charged to my credit card as a result of my order. Please do so immediately.

In your email, you also indicate that your suppliers have filed for bankruptcy. Who exactly were your intended suppliers and where have they filed for bankruptcy?

I would appreciate a response to my inquiries by 5:00 p.m. east coast time in the US tomorrow—Tuesday, August 5th. That is the last time that I will have access to e-mail prior to departing for Beijing.

Thank you.

Thomas W. Dunbar
[redacted]

From: sales@xclusiveticket.com [mailto:sales@xclusiveticket.com] **On Behalf Of** Sales Team
Sent: Monday, August 04, 2008 12:51 PM
Subject: Olympic Tickets Update

Dear Customer,

We regret to inform you that our suppliers have not been able to honour their commitments to us in supplying tickets for the Summer Olympics, despite having received written assurances from these suppliers.

We are given to understand that they have placed themselves in to bankruptcy, despite having been paid in full by our company.

We can assure you that, we have done everything in our power to protect your position but at this point in time, we have to advise you to immediately get in touch with your credit card company and to apply for a full refund. (A refund that under their Terms and Conditions, they are bound to pay you)

We once again apologize for the inconvenience caused, but trust there will be no financial loss to you. As you will appreciate this has placed our company in a very onerous position and our advisers will be in contact with you within the next 48 hours with a call centre number that may be of further assistance.

Kind Regards,

Alan Scott

From: Chen, Alice
Sent: Monday, August 04, 2008 1:31 PM
To: 'Sales Team'
Subject: RE: Olympic Tickets Update

Dear Mr. Scott,

In your email dated August 4, 2008, you suggest that I contact my credit card company to receive a refund on my ticket order. Please tell me why your company cannot refund my money directly. I ask that you please refund me the full amount that was charged to my credit card as a result of my order. Please do so immediately.

In your email, you also indicate that your suppliers have filed for bankruptcy. Who exactly were your intended suppliers and where have they filed for bankruptcy?

I would appreciate a response to my inquiries as soon as possible.

Alice Chen

Alice Chen
[redacted]

From: sales@xclusiveticket.com [mailto:sales@xclusiveticket.com] **On Behalf Of** Sales Team
Sent: Monday, August 04, 2008 9:51 AM
Subject: Olympic Tickets Update

Dear Customer,

We regret to inform you that our suppliers have not been able to honour their commitments to us in supplying tickets for the Summer Olympics, despite having received written assurances from these suppliers.

We are given to understand that they have placed themselves in to bankruptcy, despite having been paid in full by our company.

We can assure you that, we have done everything in our power to protect your position but at this point in time, we have to advise you to immediately get in touch with your credit card company and to apply for a full refund. (A refund that under their Terms and Conditions, they are bound to pay you)

We once again apologize for the inconvenience caused, but trust there will be no financial loss to you. As you will appreciate this has placed our company in a very

onerous position and our advisers will be in contact with you within the next 48 hours with a call centre number that may be of further assistance.

Kind Regards,

Alan Scott

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you."

From: Microsoft Exchange
[MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@finnegan.com]
To: 'Sales Team'
Sent: Monday, August 04, 2008 1:31 PM
Subject: Undeliverable: RE: Olympic Tickets Update

Your message did not reach some or all of the intended recipients.

Subject: RE: Olympic Tickets Update
Sent: 8/4/2008 1:31 PM

The following recipient(s) could not be reached:

'Sales Team' on 8/4/2008 1:31 PM

No route was found for the recipient server. Please contact your system administrator.
< #5.4.4 smtp;554 5.4.4 SMTPSEND.DNS.NonExistentDomain; nonexistent domain>

From: Zhang, Wei
Sent: Thursday, July 31, 2008 1:08 PM
To: Torres, Diana
Subject: Regarding BEIJINGTICKETING.COM

Hi Diana, I do not live in California, but I have some information which may be relevant to your case. Also notice that the privacy notice on the website claims to be the "the Official Ticketing Website of the Beijing 2008 Olympic Games".

<http://www.beijingticketing.com/Privacy.aspx>

I actually tried to expose this site way back earlier this year to newspapers and also to the Beijing Olympics Committee, I don't want to rehash the same things I wrote earlier so I have attached some emails here. It seems like no one took it that seriously until now...

Wei Zhang

Dear Sirs,

My family recently purchased Olympic tickets from a website (<http://www.beijingticketing.com/>) run by a company in the UK that has acted under false and fraudulent pretenses. This website pretended to be the official ticketing website for the Beijing 2008 Olympics - as evidenced in this link -<http://www.beijingticketing.com/Privacy.aspx>.

Also, it is falsely claiming to be a United States, Delaware registered company as "XL & H Ltd" - as mentioned in this link - http://www.beijingticketing.com/terms_conditions.aspx. I checked with the Delaware business registration database and found that is a false claim. There is no record whatsoever of this entity and "Ltd" is not even a U.S. corporate designation.

Another indication this website is fraudulent is the fact that you are allowed to buy unlimited number of tickets for the opening ceremony (999 tickets at one time and can be repeated). Which seems to indicate the site is designed to make as many sales as possible regardless of tickets availability.

Upon further investigation, I found the The Beijingticketing.com operator is XCLUSIVE LEISURE & HOSPITALITY LIMITED, an entity located in the United Kingdom, and has a London business address listed here: <http://www.creditgate.com/companysearch/XCLUSIVE+LEISURE+amp%3B+HOSPITALITY+LIMITED.aspx>; They have a UK address listed at 202 Blackfriars Rd., London SE1 8NJ and a phone number of +44 (0) 207 593 2099. I have also attached here a report with names of the managers of this company.

XCLUSIVE LEISURE & HOSPITALITY LIMITED has a history of fraudulent activities operating other ticketing websites it owns. In all of these websites, which are listed below, they all falsely claim to be registered in Delaware, U.S. in the Terms and Conditions, and they identically list their U.S. registered address as:

Suite 700,
2415 East Camelback Road,
Phoenix, Arizona
United States

www.xclusiveticket.com
<http://www.beijingticketing.com/>
www.theonlineticketshop.com/

<http://www.xclusiveticket.com/static/contact.asp>
http://www.beijingticketing.com/contact_us.aspx
<http://www.theonlineticketshop.com/static/aboutus.asp>

But clearly they are not even a U.S. entity but a UK business. I found numerous complaints about this company operating these ticketing websites, clearly pointing to a general pattern of fraud and deceit; the general pattern seems to be that they sell tickets to costumers and then fail to deliver the tickets and then refuse to refund the customers. It is very clear they are engaging in the same type of fraud in regard to the sale of Olympic tickets taking place right now. Please see below links about the complaints and newspaper articles about these websites.

<http://www.reviewcentre.com/reviews110512.html>.

<http://www.tickettout.org/voting-comments.aspx?cid=43&cn=Xclusive%20Ticket>

<http://www.tickettout.org/voting-comments.aspx?cid=42&cn=The%20Online%20Ticket%20Shop>

http://www.blogger.com/db4/company_id/7747/companyname/Xclusiveticket.com.html

<http://www.ixat.net/Default.asp?PageID=21&PostID=9097>

<http://www.topix.com/entertainment/2007/09/led-zeppelin-fans-clamor-for-tickets> - reviews at bottom half of page

News articles:

<http://www.sundaymail.co.uk/news/scottish-news/2007/12/02/fake-that-78057-20191238/>

<http://www.sundaymail.co.uk/news/newsfeed/2007/12/09/fan-taken-in-by-tout-78057-20224372/>

<http://www.thestar.co.uk/action/I-can39t-take-ticket-woe.3585734.jp>

Please contact me if you would like additional details, this problem seems serious and probably needs to be addressed immediately. I have the original emails of my family's purchase of the tickets and would like a refund as soon as possible.

Wei Zhang



**OneSource Report
for Xclusive Leisure & Hospitality Ltd.
12 February 2008**



Xclusive Leisure & Hospitality Ltd.

202 Blackfriars Road
London, SE1 8NJ
United Kingdom

Suggest Company URL

Employees: NA
Company Type: Private Parent
Corporate Family: 3 Companies
Quoted Status: Non-quoted Company
Incorporation Date: 2006

Reporting Currency: British Pound Sterling
Annual Sales: NA
Total Assets: NA

Business Description

General Commercial Company
Source: RM Online Ltd

Industry

Industry: Retail (Specialty)
US 1987 SIC: 5990 - Retail stores, nec
UK 2003 SIC: 52480 - Other retail sale in specialised stores not elsewhere classified
NAICS: 45399 - All Other Miscellaneous Store Retailers

Key Executives

Name	Title	Source
Alan Thomas Scott	General Manager	RM Online Ltd
Geert Van Meel	Company Secretary	RM Online Ltd

Key IDSM Number: 95365895 **Registered No.:** 05944048

1 - Profit & Loss Item Exchange Rate: USD 1 = GBP 0.5434378
2 - Balance Sheet Item Exchange Rate: USD 1 = GBP 0.510947

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Xclusive Leisure & Hospitality Ltd.

Corporate Overview

Location: 202 Blackfriars Road London, SE1 8NJ London County United Kingdom	Sales GBP(mil): NA Assets GBP(mil): NA Employees: NA KeyIDSM: 95365895 Industry: Retail (Specialty)	Year Founded: 2006 Company Type: Private Parent Quoted Status: Not Quoted Registered No.: 05944048 General Manager: Alan Thomas Scott
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Suggest Company URL

Contents

Industry Codes
Business Description
Financial Data

Industry Codes

US 1987 SIC Codes:
5990 - Retail stores, nec

UK 2003 SIC Codes:
52480 - Other retail sale in specialised stores not elsewhere classified

NAICs Codes:

45399 - All Other Miscellaneous Store Retailers

ANZ SIC Codes:

5259 - Retailing n.e.c.

Business Description

General Commercial Company

Source: RM Online Ltd**Financial Data****Financials in:** GBP(mil)**1 Year Growth****Issued Capital:** 0.0

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Corporate Family**Corporate Structure News:**

Xclusive Leisure & Hospitality Ltd.

Xclusive Leisure & Hospitality Ltd.**Total Corporate Family Members: 3**

Company Name	Company Type	Location	Country	Industry	Sales (mil)	Employees	Source
Xclusive Leisure & Hospitality Ltd.	Parent	London	United Kingdom	Retail (Specialty)			RM
World Hospitality Co. Ltd.	Subsidiary	London	United Kingdom	Business Services			RM
Xclusive Tickets Ltd.	Subsidiary	London	United Kingdom	Business Services			RM

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Xclusive Leisure & Hospitality Ltd.**Executives Report****Address:**

202 Blackfriars Road
London , SE1 8NJ
London County
United Kingdom

Board of Directors			
Name	Title	Function	Source
Alan Thomas Scott	General Manager	Director/Board Member	RM
Executives			
Name	Title	Function	Source
Alan Thomas Scott	General Manager	Managing Director	RM
Geert Van Meel	Company Secretary	Company Secretary	RM

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Published by OneSource Information Services, Inc., Feb, 2008

Xclusive Leisure & Hospitality Ltd. Directors and Shareholders Report

Main Office Address:

202 Blackfriars Road
London
United Kingdom SE1 8NJ

Total Issued Capital (GBP 000): 1**Individual Directors**

Name	Status	DOB	Filed Address	Appointment Date	Resignation Date	Summary of Directorships
Alan Thomas Scott	Current	17 Jun 1954	3 Mauretania Building, Wapping, London, E1W 3WB	16 Oct 2006	NA	Current:1 Previous:0 Disqualifications:0
Geert Van Meel	Previous	19 Jul 1957	2 Elm Place, London, SW7 3QH	22 Sep 2006	08 Nov 2006	Current:1 Previous:1 Disqualifications:0

Corporate Directors

There are no corporate directors for this company.

Individual Secretaries

Name	Status	DOB	Filed Address	Appointment Date	Resignation Date	Summary of Directorships
Geert Van Meel	Current	19 Jul 1957	2 Elm Place, London, SW7 3QH	08 Nov 2006	NA	Current:4 Previous:4 Disqualifications:0
Richard Nicholas	Previous NA		2 Elm Place, London, SW7 3QH	22 Sep 2006	08 Nov 2006	Current:0 Previous:1 Disqualifications:0

Corporate Secretaries

There are no corporate secretaries for this company.

Shareholders

OneSource currently does not provide shareholding information for this company.

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News: 0 Matches

Articles: 0 Matches